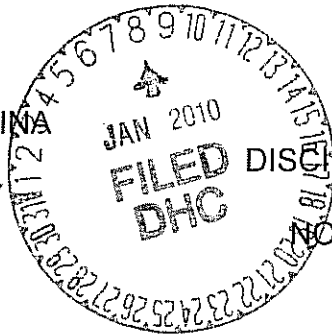


NORTH CAROLINA

WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
10 DHC 5

THE NORTH CAROLINA STATE BAR,)
Plaintiff)

v.)

E. ELIZABETH LEFLER, Attorney,)
Defendant)

COMPLAINT

Plaintiff, complaining of Defendant, alleges and says:

1. Plaintiff, the North Carolina State Bar (hereinafter "State Bar"), is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar promulgated thereunder.

2. Defendant, E. Elizabeth Lefler (hereinafter "Lefler" or "Defendant"), was admitted to the North Carolina State Bar on August 21, 1983 and is, and was at all times referred to herein, an Attorney at Law licensed North Carolina, subject to the rules, regulations, and Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina. Although Defendant possessed a North Carolina law license, her license to practice law was suspended during part of the relevant time.

3. In November 2004 the Council of the North Carolina State Bar entered an order suspending Defendant's license to practice law for failing to complete the minimum mandatory continuing legal education requirements.

Upon information and belief, the State Bar alleges:

4. Before November 2004, Defendant actively engaged in the practice of law in the State of North Carolina and maintained a law office in Franklin, Macon County, North Carolina.

5. On or about September 30, 1999 David and Georgene Gay and their son Matthew were involved in an automobile accident. Shortly thereafter, the Gays hired Defendant to represent them in a claim for personal injury.

6. In or about April 2004 Defendant settled the Gays' claims. Defendant received \$68,772.09 on behalf of the Gays which she deposited into her attorney trust account at First Citizens Bank in April 2004.

7. In or about early May 2004, Defendant disbursed on the Gays' behalf most of the funds she deposited. Defendant retained in her trust account \$2,979.51 for payment to specific medical providers, the amount of which was uncertain at that time.

8. In or about May 2004, Defendant asserted to the Gays she would determine and disburse the appropriate amounts due to those medical care providers and disburse any remaining funds to the Gays.

9. Sometime in mid 2004 Defendant abandoned her law practice and moved to Dallas, Texas, effectively terminating her representation of the Gays. Defendant did not notify the Gays that Defendant was relocating.

10. Defendant has not properly disbursed the remaining funds in her trust account held on behalf of the Gays.

11. After Mr. and Mrs. Gay realized Defendant was no longer representing them, they attempted to contact Defendant to determine the status of the funds held on their behalf. Defendant did not respond to their inquiries.

THEREFORE, the State Bar alleges that Defendant's foregoing actions constitute grounds for discipline pursuant to N.C.G.S. §84-28(b)(2) in that Defendant violated one or more of the Rules of Professional Conduct in effect at the time of the actions as follows:

a. by failing to determine the amounts due to the medical care providers and appropriately disburse the trust funds held on the Gays' behalf, Defendant did not act with reasonable diligence and promptness in representing a client in violation of Rule 1.3;

b. by failing to notify the Gays that Defendant had moved away and would not continue the representation and by failing to otherwise communicate with them, Defendant failed to keep her client reasonably informed about the status of the representation and failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation in violation of Rule 1.4(a)(3) and (b); and

c. by failing to properly disburse client funds remaining in her attorney trust account upon closing her law practice, Defendant did not take steps reasonably necessary to protect the client's interests in violation of Rule 1.16(d) and did not promptly pay or deliver to the client or to a third person as directed by

the client entrusted property belonging to the client and to which the client was currently entitled in violation of Rule 1.15-2(a) and (m).

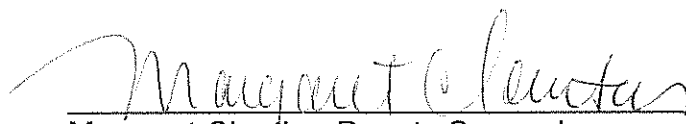
WHEREFORE, the State Bar prays that

1. Disciplinary action be taken against Defendant in accordance with N.C.G.S. §84-28 (c) and 27 N.C.A.C. 1B §.0114 as the evidence on hearing may warrant,
2. Defendant be taxed with the costs permitted by law in connection with this proceeding, and
3. For such other and further relief as is appropriate.

This the 8 day of January, 2010.



Ronald G. Baker, Sr., Chair
Grievance Committee



Margaret Cloutier, Deputy Counsel
Attorney for Plaintiff
The North Carolina State Bar
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